

02-12-01

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## UTILITY PATENT APPLICATION TRANSMITTAL

Address to:

Box PATENT APPLICATION  
 Commissioner for Patents  
 United States Patent & Trademark Office  
 Washington, D.C. 20231

Attorney Docket  
 No.

RPC 0557 PUS

Inventor(s) or  
 Appln. Identifier

WILLIAM PATRICK APPS

1. This application entitled NESTABLE CAN TRAY WITH CONTOURED WALL STRUCTURE is:
- a.      A new application under 37 C.F.R. § 1.53(b).
- b.   X   A   X   continuation      divisional or      continuation-in-part application under 37 C.F.R. § 1.53(b) of prior application Serial No. 09/233,082 filed on January 19, 1999, entitled Nestable Can Tray With Contoured Wall Structure.
- c.      A new utility application which claims the benefit of provisional application Serial No.     , filed on     .

Application elements and other attached papers:

2.   x   Specification (including Claims and Abstract) [Total Pages 12 ]
3.   x   Drawings (     informal /   x   formal) [Total Sheets 7 ]
4.   x   Oath or Declaration
- a.      Newly-executed
- b.   x   Copy from a prior application (37 C.F.R. § 1.63(d))
5.   x   Incorporation By Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Item 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6.      This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).
- a.      **DELETE** the following inventor(s) named in the prior nonprovisional application:
- 
- 
- b.      The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

## CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this UTILITY PATENT APPLICATION TRANSMITTAL and the documents referred to as attached therein are being deposited on the below date with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee" addressed to: Box Patent Application, Commissioner for Patents, United States Patent and Trademark Office, Washington, D.C. 20231 on:

Express

Mail Label No. EL 503256525 USTERRY M. KRUEGER

(Type or print name of person mailing paper)

Date of Deposit: February 9, 2001

Terry M. Krueger  
 (Signature of person mailing paper)

**9. Fee Calculation:**

| FOR   | NUMBER<br>FILED | NUMBER EXTRA | RATE    | CALCULATIONS |
|---|-----------------|--------------|---------|--------------|
| TOTAL CLAIMS<br>(37 C.F.R. § 1.16(c))   | 8 -20 =         | 0            | x 18.00 | 0.00         |
| INDEPENDENT CLAIMS<br>(37 C.F.R. § 1.16(b))                                     | 2 -3 =          | 0            | x 80.00 | 0.00         |
| MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))                 |                 |              | 270.00  | 0.00         |
| BASIC FEE (37 C.F.R. § 1.16(a))   |                 |              |         | 710.00       |
| TOTAL OF ABOVE CALCULATIONS   |                 |              |         | 710.00       |
| REDUCTION BY 50% FOR FILING BY SMALL ENTITY (NOTE 37 C.F.R. §§ 1.9, 1.27, 1.28) |                 |              |         | 0.00         |
| \$40.00 ASSIGNMENT RECORDAL FEE (if applicable)                                 |                 |              |         | 0.00         |
| TOTAL   |                 |              |         | 710.00       |

10. X A check in the amount of \$ 710.00 is enclosed.
11. X The Commissioner is hereby authorized to credit overpayments or charge the following fees (or any deficiency therein) to Deposit Account No. 02-3978 :
- a. X Fees required under 37 C.F.R. § 1.16.
- b. X Fees required under 37 C.F.R. § 1.17.

## 12. Maintenance of Copendency of Prior Application

\_\_\_\_\_ A request for extension of time and the appropriate fee have been filed in the pending **prior** application (or are being filed in the prior application concurrently herewith) to extend the period for response until \_\_\_\_\_.

13.   x   An Information Disclosure Statement (IDS) is attached, along with the following indicated attachments thereto:

a.   x   Form PTO/SB/08 (   2   sheet(s))

b.   x   In accordance with 37 CFR § 1.98(d), copies of the references listed are not included, as they were cited in parent application Serial No. 09/233,082.

## 14. \_\_\_\_\_ Certified copy of priority document(s)

15.   X   Return Receipt Postcard16.   X   Other: Request and Certification Under 35 U.S.C. § 122(b)(C)(i)17.   x   An Assignment of the invention to Rehrig Pacific Company  
having an address of 4010 East 26th Street, Los Angeles, California 90023

a. \_\_\_\_\_ is attached.

b.   x   was recorded on March 15, 1999 at Reel 9821, Frame 0011.

c. \_\_\_\_\_ Applicant requests that the above assignee information be published with the application.

## 18. The power of attorney in the prior application is to:

Konstantine J. Diamond  
Name of Attorney of Record

39,657  
Reg. No.

\_\_\_\_\_ The power appears in the original papers in the prior application.

  x   The power does not appear in the original papers, but was filed on March 10, 1999.

\_\_\_\_\_ A new power has been executed and is attached.

## 19. Correspondence Address: Please address all future communications to:

Konstantine J. Diamond,  
Brooks & Kushman P.C.  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1351  
Telephone: 248-358-4400; Fax: 248-358-3351

Respectfully submitted,

WILLIAM PATRICK APPS



Name: Konstantine J. Diamond  
Registration No.: 39,657

Date February 9, 2001

  x   Attorney or agent of record  
\_\_\_\_\_ Filed under Rule 34(a)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

**WILLIAM PATRICK APPS**

Serial No.: Continuation of U.S.S.N. 09/233,082;  
filed January 9, 1999

Filed: Filed Herewith

For: NESTABLE CAN TRAY WITH CONTOURED WALL STRUCTURE

Attorney Docket No.: RPC 0557 PUS

**REQUEST AND CERTIFICATION  
UNDER 35 U.S.C. § 122(b)(C)(i)**


Box Patent Application  
Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231

Sir:

Applicant of the United States patent application identified above, hereby requests that the application not be published pursuant to 35 U.S.C. § 122. Applicant certifies that the invention disclosed in the application identified above has not been, and will not be, the subject of an application filed in another country, or under a multilateral internal agreement that requires publication 18 months after filing.

Respectfully submitted,

**WILLIAM PATRICK APPS**

By:   
Konstantine J. Diamond  
Reg. No. 39,657  
Attorney/Agent for Applicant

Date: February 9, 2001

**BROOKS & KUSHMAN P.C.**  
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